

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 24, 2017 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:**

Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Ellie Hill Smith (D)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 536, 2/20/2017; HB 542, 2/20/2017; HB 545, 2/20/2017; HB 553, 2/20/2017; HB 556, 2/20/2017  
Executive Action: HB 522, HB 537, HB 521, HB 450, HB 385, HB 303, HB 133, HB 438

**HEARING ON HB 556**

**Opening Statement by Sponsor:**

00:01:35 Rep. Frank Garner (R), HD 7, opened the hearing on HB 556, Revise eyewitness identification law.

**Proponents' Testimony:**

00:03:22 Abigail St. Lawrence, Montana Innocence Project

[EXHIBIT\(juh41a01\)](#)

[EXHIBIT\(juh41a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:**

00:08:06 Glen Stinar, Montana Law Enforcement Academy

00:09:07 Perry Johnson, POST Council

[EXHIBIT\(juh41a03\)](#)

00:11:47 Mark Murphy, Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

[EXHIBIT\(juh41a04\)](#)

**Questions from Committee Members and Responses:**

00:14:27 Chair Doane

00:14:34 Rep. Garner

00:14:44 Abigail St. Lawrence, Montana Innocence Project

**Closing by Sponsor:**

00:17:36 Rep. Garner

**HEARING ON HB 542**

**Opening Statement by Sponsor:**

00:18:12 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 542, Revise post conviction relief laws.

**Proponents' Testimony:**

00:24:51 Abigail St. Lawrence, Montana Innocence Project

00:25:13 Rep. Court joined the meeting

00:27:43 SK Rossi, American Civil Liberties Union (ACLU)

**Opponents' Testimony:**

00:28:12 Tammy Plubelle, Montana Attorney Generals' Office (AG)

00:33:58 Derek Van Luchene, Variety United

00:38:25 Mark Murphy, Montana County Attorneys Association (MCAA)

00:42:55 Rep. Hill Smith joined the meeting

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:44:06 Rep. Usher  
00:44:57 Rep. Morigeau  
00:45:32 Rep. McConnell  
00:46:02 Rep. Morigeau

**Closing by Sponsor:**

00:47:44 Rep. Morigeau

[EXHIBIT\(juh41a05\)](#)

[EXHIBIT\(juh41a06\)](#)

[EXHIBIT\(juh41a07\)](#)

**HEARING ON HB 553****Opening Statement by Sponsor:**

00:52:32 Rep. Amanda Curtis (D), HD 74, opened the hearing on HB 553, Revise laws related to press publication of certain photographs.

**Proponents' Testimony:**

00:53:11 Maura Gruber, Self  
00:57:34 Brandi Stevens, Self  
[EXHIBIT\(juh41a08\)](#)

01:00:33 Tracie Swingley, Self

**Opponents' Testimony:**

01:04:24 John MacDonald, Montana Newspaper Association (MNA)  
01:10:56 SK Rossi, American Civil Liberties Union (ACLU)  
01:12:14 Dewey Bruce, Montana Broadcasters Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:14:43 Rep. Harris  
01:16:36 John MacDonald, MNA  
01:19:58 Rep. Sheldon-Galloway  
01:21:43 SK Rossi, ACLU  
01:23:13 Rep. Manzella  
01:23:39 John MacDonald, MNA  
01:23:57 Rep. Berglee joined the meeting  
01:24:32 Rep. Manzella  
01:25:00 Tracie Swingley, Self  
01:26:20 Rep. Eck  
01:26:49 SK Rossi, ACLU  
01:27:31 John MacDonald, MNA  
01:32:11 Rep. McConnell  
01:33:04 SK Rossi, ACLU  
01:33:42 Rep. Hill Smith  
01:34:17 Maura Gruber, Self  
01:34:37 Rep. B. Brown

01:35:00 Rep. Curtis  
01:36:15 Rep. Usher  
01:36:57 John MacDonald, MNA  
01:37:37 Chair Doane  
01:38:06 John MacDonald, MNA

**Closing by Sponsor:**

01:39:18 Rep. Curtis

**EXECUTIVE ACTION ON HB 553**

01:40:56 **Motion:** Rep. B. Brown moved that **HB 553 DO PASS.**

01:41:27 Rep. McConnell **OBJECTED.**

01:41:49 Rep. B. Brown withdrew the **DO PASS MOTION.**

01:42:03 Recess

01:52:51 Reconvene

**HEARING ON HB 545**

**Opening Statement by Sponsor:**

01:53:19 Rep. Jonathan Windy Boy (D), HD 32, opened the hearing on HB 545, Prohibit credit rating in personal insurance.

[\*\*EXHIBIT\(juh41a09\)\*\*](#)

**Proponents' Testimony:** None

**Opponents' Testimony:**

02:01:28 Greg Van Horssen, State Farm Insurance

02:06:08 Bruce Spencer, Allstate Insurance

[\*\*EXHIBIT\(juh41a10\)\*\*](#)

02:09:35 John Metropoulos, American Insurance Association (AIA), Farmers Insurance

[\*\*EXHIBIT\(juh41a11\)\*\*](#)

02:10:00 Aimee Grmoljez, Property Casualty Insurance Association of America (PCIA)

[\*\*EXHIBIT\(juh41a12\)\*\*](#)

[\*\*EXHIBIT\(juh41a13\)\*\*](#)

02:10:39 Bridger Mahlum, Montana Chamber of Commerce

02:10:48 Jessie Luther, Consumer Data Industry Association

**Informational Testimony:**

02:11:06 Bob Biskupiad, Office of the State Auditor (OSA)

**Questions from Committee Members and Responses:**

02:11:31 Rep. McConnell

02:12:45 Rep. Windy Boy

**Closing by Sponsor:**

02:13:14 Rep. Windy Boy

**HEARING ON HB 536**

**Opening Statement by Sponsor:**

02:14:13 Rep. Brad Tschida (R), HD 97, opened the hearing on HB 536, Provide that consent is not a defense for physician assisted suicide.

**Proponents' Testimony:**

02:19:09 Bradley Williams, Montanans Against Assisted Suicide

[EXHIBIT\(juh41a14\)](#)

[EXHIBIT\(juh41a15\)](#)

02:25:17 Gregg Trude, Self

02:28:24 Terry Forke, Lutheran Church-Missouri Synod (LCMS)

[EXHIBIT\(juh41a16\)](#)

02:31:25 Bowen Greenwood, Montana Family Foundation

**Opponents' Testimony:**

02:33:52 Roberta King, Self

02:36:46 Lesley Mutchler, Self

02:40:13 Robert Filipovich, Self

02:41:57 Sen. Barrett

02:44:32 Bonnie Kelley, Self

[EXHIBIT\(juh41a17\)](#)

02:48:35 David King, Self

[EXHIBIT\(juh41a18\)](#)

02:49:35 Mary Ann Guggenheim, Self

02:50:19 Ethel Byrnes, Self

[EXHIBIT\(juh41a19\)](#)

02:50:47 Perry Israel, Self

02:51:27 Kelsen Young, Self

[EXHIBIT\(juh41a20\)](#)

02:51:58 Mary Douglass, Self

[EXHIBIT\(juh41a21\)](#)

02:52:27 Ronald Waterman, Self

[EXHIBIT\(juh41a22\)](#)

02:52:49 Jessica Grennan, Self

[EXHIBIT\(juh41a23\)](#)

[EXHIBIT\(juh41a24\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:53:33 Rep. Eck  
02:53:49 David King, Self

[EXHIBIT\(juh41a25\)](#)

[EXHIBIT\(juh41a26\)](#)

[EXHIBIT\(juh41a27\)](#)

[EXHIBIT\(juh41a28\)](#)

02:57:47 Rep. Court  
02:58:19 Rep. Eck

**Closing by Sponsor:**

02:58:36 Rep. Tschida

**Committee Business:**

03:03:25 Rep. Manzella  
03:04:03 Gregg Trudd, Self  
03:04:07 Rep. Hill Smith

03:05:09 Recess  
03:18:26 Reconvene

**EXECUTIVE ACTION ON HB 522****Discussion:**

03:18:37 Helen Thigpen, Legislative Services Division (LSD)

03:19:01 **Motion/Vote:** Rep. Berglee moved that **HB 522 BE TABLED**. Motion carried 15-4 by roll call vote with Rep. Doane, Rep. C. Knudsen, Rep. Mortensen and Rep. Usher voting no. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 537****Discussion:**

03:20:49 Helen Thigpen, LSD

03:21:09 **Motion:** Rep. Berglee moved that **HB 537 DO PASS**.

**Discussion:**

03:21:16 Rep. McConnell

03:21:41 **Motion/Vote:** Rep. Harris moved that **HB 537 BE TABLED**. Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 521****Discussion:**

03:22:26 Helen Thigpen, LSD

03:23:14 **Motion:** Rep. Berglee moved that **HB 521 DO PASS**.

03:23:24 **Motion:** Rep. Bishop moved that **HB 521 BE AMENDED.**  
[EXHIBIT\(juh41a29\)](#)

**Discussion:**

03:23:36 Rep. C. Knudsen  
03:24:03 Rep. Eck  
03:24:28 Rep. Usher  
03:25:29 Rep. Bishop

03:26:32 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. Morigeau, Rep. Perry and Rep. Wagoner voting aye. Rep. B. Brown voted by proxy.

03:28:53 **Motion/Vote:** Rep. Berglee moved that **HB 521 DO PASS.** Motion carried 17-2 by roll call vote with Rep. Bishop and Rep. Wagoner voting no. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 450**

**Discussion:**

03:29:17 Helen Thigpen, LSD

03:29:36 **Motion:** Rep. Berglee moved that **HB 450 DO PASS.**

**Discussion:**

03:29:52 Rep. Usher

03:30:49 **Vote:** Motion carried 10-9 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. Hill Smith, Rep. Manzella, Rep. McConnell, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Usher voting no. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 385**

03:32:27 **Motion:** Rep. Berglee moved that **HB 385 DO PASS.**

**Discussion:**

03:32:35 Rep. Berglee

03:33:13 **Motion:** Rep. Berglee moved that **HB 385 BE AMENDED.**  
[EXHIBIT\(juh41a30\)](#)

**Discussion:**

03:33:26 Rep. Berglee  
03:35:51 Rep. Eck  
03:36:09 Rep. Court  
03:36:18 Rep. Berglee  
03:36:29 Rep. Harris  
03:36:53 Rep. Usher

03:37:10 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. B. Brown voted by proxy.

03:38:00 **Motion:** Rep. Berglee moved that **HB 385 DO PASS AS AMENDED.**

**Discussion:**

03:38:02 Rep. Hill Smith  
03:39:39 Rep. Eck  
03:40:19 Rep. Court  
03:41:12 Rep. Berglee  
03:43:00 Rep. Sheldon-Galloway  
03:44:41 Rep. Usher

03:46:08 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Sheldon-Galloway voting no. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 303**

03:47:12 **Motion:** Rep. Berglee moved that **HB 303 DO PASS.**

**Discussion:**

03:47:39 Helen Thigpen, LSD  
03:49:10 Chair Doane  
03:49:13 Helen Thigpen, LSD

03:49:34 **Motion:** Rep. Wagoner moved that **HB 303 BE AMENDED.**  
[EXHIBIT\(juh41a31\)](#)

**Discussion:**

03:49:50 Helen Thigpen, LSD  
03:50:29 Rep. Kelker  
03:51:05 Helen Thigpen, LSD  
03:51:37 Rep. Wagoner  
03:52:07 Rep. Kelker  
03:52:21 Helen Thigpen, LSD

03:53:02 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

03:53:35 **Motion:** Rep. Berglee moved that **HB 303 DO PASS AS AMENDED.**

03:53:41 **Motion:** Rep. Kelker moved that **HB 303 BE AMENDED.**  
[EXHIBIT\(juh41a32\)](#)

**Discussion:**

03:53:57 Helen Thigpen, LSD  
03:55:02 Rep. Kelker  
03:55:27 Rep. Harris



03:55:55 Chair Doane

03:56:04 Rep. Harris

03:56:14 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

03:56:38 **Motion:** Rep. Berglee moved that **HB 303 DO PASS AS AMENDED.**  
**EXHIBIT(juh41a33)**

**Discussion:**

03:56:49 Rep. Kelker

03:57:47 Rep. Harris

03:58:15 Chair Doane

03:58:34 Rep. Harris

03:58:47 Rep. Kelker

03:59:19 Chair Doane

03:59:27 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 133**

04:00:07 **Motion/Vote:** Rep. Berglee moved that **HB 133 BE REMOVED FROM TABLE.**  
Motion carried 18-0 by voice vote. Rep. B. Brown was excused.

04:00:32 **Motion/Vote:** Rep. Berglee moved to **RECONSIDER ACTION** on **HB 133.**  
Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

04:00:51 **Motion:** Rep. Berglee moved that **HB 133 DO PASS.**

04:02:02 **Motion:** Rep. Berglee moved that **HB 133 BE AMENDED.**  
**EXHIBIT(juh41a34)**

**Discussion:**

04:02:16 Helen Thigpen, LSD

04:05:15 Rep. McConnell

04:05:27 Rep. C. Knudsen

04:06:14 Rep. McConnell

04:06:37 Chair Doane

04:06:52 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

04:07:14 **Motion:** Rep. Berglee moved that **HB 133 DO PASS AS AMENDED.**

**Discussion:**

04:07:23 Chair Doane

04:07:31 **Vote:** Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. B. Brown voted by proxy.

**Motion/Vote:** Rep. Berglee moved that **HB 133 DO PASS AS AMENDED.** Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 438**

04:08:24     **Motion/Vote:** Rep. Berglee moved that **HB 438 BE REMOVED FROM TABLE**.  
Motion failed 9-9 by roll call vote with Rep. Berglee, Rep. Doane, Rep. Harris,  
Rep. C. Knudsen, Rep. McConnell, Rep. Mortensen, Rep. M. Regier, Rep.  
Sheldon-Galloway and Rep. Wagoner voting aye. Rep. B. Brown was excused.

04:09:53     **Motion:** Rep. Berglee moved to **RECONSIDER ACTION** on **HB 438**.

**Discussion:**

04:10:14     Chair Doane

04:10:26     **Vote:** Motion failed 9-10 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep.  
Doane, Rep. Harris, Rep. C. Knudsen, Rep. Mortensen, Rep. M. Regier, Rep.  
Sheldon-Galloway and Rep. Wagoner voting aye. Rep. B. Brown voted by proxy.

**Discussion:**

04:11:41     Chair Doane

04:11:45     Rep. Court

**ADJOURNMENT**

Adjournment: 04:12:54

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT([juh41aad.pdf](#))**